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PATENT

Serial No. 10/029,812

Amendment in Reply to Office Action mailed on June 7, 2006

REMARKS

This Amendment is being filed in response to the Office Action mailed June 7, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks and arguments are respectfully requested.

By means of the present amendment, claims 1-3 and 5-10 have been amended for better clarity. Claims 1-3 and 5-10 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the claim 6 is objected to for an informality. In response, the claim 6 has been amended to correct the informality noted by the Examiner. It is respectfully submitted that objection to claim 6 has been overcome, and withdrawal of this objection is respectfully requested.

In the Office Action, the Examiner rejected claim 19 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description noting, on the last two lines, page 2 of the Office Action, that the "examiner treated the "said uncompressed video

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data" as the uncompressed video data coming out of the decoder."

Without agreeing with the Examiner, and in the interest of advancing prosecution and expediting allowance, claim 19 has been amended in accordance with the treatment of claim 19 by the Examiner. Accordingly, withdrawal of this rejection to claim 19 is respectfully requested.

In the Office Action, claim 3 is rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claim 3 has been amended to remove the informality noted by the Examiner and now distinctly claims the subject matter. Accordingly, it is respectfully submitted that claim 3 is now in proper form and it is respectfully requested that this objection be withdrawn.

In the Office Action, claims 1-11 and 13-18 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,714,594 (Dimitrova). Claims 10 and 12 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by PCT Publication No. WO 01/35409 (Christopher). Claim 19 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Christopher, in view of U.S. Patent No. 6,993,245 (Harville). It is respectfully submitted that claims 1-19 are patentable over Dimitrova, Christopher and Harville

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for at least the following reasons.

Dimitrova is directed to a process for content detection in video data where one or more features may be employed as indicators of start and/or end of commercials. As recited on column 7, lines 55-61, the following features may be used to detect commercial breaks:

- Scene change detection
- Black frame/Unicolor frame detection
- Letterbox detection
- Interlaced/progressive Indicator
- Keyframe distance

It is respectfully submitted that the above-noted features in Dimitrova do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 7 and 10 which, amongst other patentable features, requires (illustrative emphasis provided):

detecting a plurality of separators based on said generated compressed video data, each of said separators is defined by at least two consecutive scene changes.

There is simply no teaching or suggestion in Dimitrova of detecting a separator which is defined by at least two consecutive scene changes. Rather, Dimitrova teaches to detect commercial

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using a combination of features, such as the features noted above and recited on column 7, lines 55-61. For example, Dimitrova may use scene change detection combined with Black frame detection to detect commercial breaks. In Dimitrova, using a combination of features, one for trigger and another for verification of commercial breaks, prevents false-positives, as specifically recited on column 10, lines 16-19: "one feature is used as a trigger and one or more other features used to verify so as to delete false-positives." (Emphasis added)

Thus, Dimitrova teaches to use a single scene change combined with some other feature, such as black frame/Unicolor frame detection. Similar to Dimitrova, Christopher teaches continuously monitoring a single scene change.

Detecting a separator which is defined by at least two consecutive scene changes, as recited in independent claims 1, 7 and 10, is nowhere taught or suggested in Dimitrova, Christopher, or combination thereof.

Harville is cited to allegedly show other features and does not remedy the deficiencies in Dimitrova and Christopher. Accordingly, it is respectfully submitted that independent claims

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1, 7 and 10 should be allowable. In additions, claims 2-6, 8-9 and 11-9 should be allowable at least based on their dependence from independent claims 1, 7 and 10.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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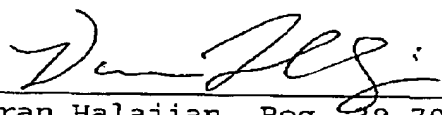
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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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September 5, 2006

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